

REMARKS

In response to the Office Action mailed on July 26, 2004, the Applicants' representative filed a Reply and Amendment on October 26, 2004. It is respectfully submitted that a *bona fide* attempt to reply to the Office Action mailed on July 26, 2004 was made by the Applicants and/or the Applicants' representative. An Office Communication was mailed on August 8, 2005. The Office Communication indicated that the Reply and Amendment was not fully responsive to the Office Action.

Accordingly, this submission includes Appendix A, which includes a new "Remarks" section. The new "Remarks" section includes arguments pointing out the specific distinctions believed to render the claims patentable over the applied references.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

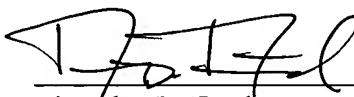
The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: August 25, 2005

Respectfully submitted,
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Enclosures: Appendix A – replacement “Remarks” section

APPENDIX A

Remarks

Entry of the foregoing amendments and reconsideration of this application are respectfully requested in view of the following remarks.

The Applicants appreciate the Examiner's indication of allowable subject matter in claims 1, 3, 6-13, 15, 17-26, 28-29, 31-32, and 35-36.

Claims 33 and 34 were rejected under 35 §103(a) as being unpatentable over WO 01/091668 A1 to Whitmore in view of U.S. Patent No. 6,258,098 B1 to Taylor et al. Independent claim 33 has been amended to include the allowable subject matter of claim 35. Accordingly, the Applicants respectfully submit that independent claim 33 is allowable over the cited references. The Applicants also respectfully submit that claim 34 is allowable over the cited references at least because of its dependency from claim 33.

The Examiner will note that claim 36 has been amended to place the claim in independent form and to include all of the limitation of the base claim (claim 33 prior to the current amendment).

The Applicants respectfully submit that newly added claims 37 and 38 are allowable over the cited art at least because of their dependency from claim 36.

Newly added independent claim 39 recites a ureteral stent including a "retention module having a second fixation element attached to the elongated body portion." Accordingly, the Applicants respectfully submit that newly added claim 39 is allowable over the cited art. The Applicants also respectfully submit that newly added claims 40 and 41 are allowable over the cited art at least because of their dependency from claim 39.

Accordingly, it is respectfully submitted that the present application is now in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

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